

THE CRISIS IN INDIA: ITS CONSTITUTIONAL BASIS

by

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INTRODUCTION

THE roots of the present crisis in India lie deep in the past. The conflict between Indian Nationalism and the British *Raj* is the product of a long historical development. As early as 1773, the British Parliament was legislating for the government of the Bengal territories. In 1858 the British Crown assumed complete responsibility for the government of India, and thereafter the administrative structure of Indian government came into being in its present form. Lord Irwin, the British Viceroy, stands therefore at the head of a long line of British administrators, whose actions have helped to mold the events now taking shape. Mahatma Gandhi, in similar fashion, is heir to the tradition of Indian Nationalism, although his methods are not those of the earliest large-scale uprising against English domination—the Mutiny of 1857-1858. Instead, Mahatma Gandhi sums up, in a way uniquely his own, the tactics elaborated by the group of Indian agitators and reformers whose activities began toward the end of the last century. It is the Indian Nationalist movement in this form, with a history of about fifty years, that has now come to grips with British rule.

Two phases of this struggle are occurring simultaneously—one in England, and the other in India. At London a group of moderate Indian leaders, chosen by the British Viceroy, have gathered to work out an agreement with representatives of the chief British parties regarding the next step in India's constitutional development, on the basis of which the MacDonald government can submit specific proposals to Parliament. In India, the Congress leaders, unwilling to enter the London round-table conference on the terms offered by Great Britain, have engaged in a movement of non-violent civil disobedience, designed to render British rule in India impossible, and so to force the concession of responsible government.

THE ROUND-TABLE CONFERENCE

The Indian Conference was opened in London on November 12 by the King's speech to the assembled delegates. The total membership of the conference is eighty-nine, comprising thirteen Englishmen and seventy-six nominated Indians. The British delegates include five representatives from the Labour party, headed by Premier MacDonald in person, and four each from the Conservative and Liberal parties. The Indians number sixteen from the Indian States, and sixty from British India. The latter come almost entirely from the ranks of the moderate Indian leaders; not only have the chief Congress leaders refused to participate, but the majority, including Jawarhalal Nehru, president of the Indian National Congress, and Mahatma Gandhi, are serving terms in jail.

The Indians at the Conference, especially those from British India, have pressed for dominion status with a vigor second only to that of the Nationalists themselves.¹ They differ from the latter in method rather than in aim, being willing to argue the case for dominion status. They have rejected the Simon Report with a unanimity nearly equalling that of the Nationalists. The status of the Simon Report at the conference, indeed, is somewhat uncertain. Sir John Simon is not at the conference table to defend it. Lord Irwin, in his address to the Indian Legislature on July 9, declared that the conference would "approach its task greatly assisted indeed, but with its liberty unimpaired by the report of the Statutory [Simon] Commission or by any other documents which will be before it."² The Simon Commission was appointed, in

1. The term Nationalists, as used in this report, is intended to designate the group of Indians supporting Gandhi's non-cooperation movement.

2. "The Viceroy's Speech," *F. P. A. News Bulletin*, Vol. IX, No. 37, July 18, 1930.

the first place, by a Conservative government; and the intervention of a round-table conference between the Simon Report and Parliamentary action will, in any case, considerably modify the agreement ultimately reached. Press reports have already indicated that the introduction of a real measure of responsibility into India's central government will be the crucial issue at the conference.

NATIONALIST OBJECTIONS TO THE CONFERENCE

The Nationalists have refused to participate in the round-table conference, as constituted at present, on two grounds. They object, in the first place, to the choice of the Indian delegates by the British Viceroy alone, holding that the various Indian parties and groups should be permitted to choose their own representatives. Secondly, they refuse to enter a round-table conference until Great Britain states explicitly that the aim of the conference is to frame a scheme of responsible government for India, including complete fiscal autonomy. On such a basis, the Nationalists would enter a conference for the purpose of deciding the *ad interim* measures to be adopted for the transfer of responsible authority to an Indian government. In other words, they are willing to discuss the "how" but not the "why" of responsible government for India.

The position of the MacDonald government in its dealings with the Indian prob-

lem admittedly has been difficult. With the convening of the round-table conference, it is for the first time in a position to state its own program to the Indians on the one hand, and to press for its adoption by the Liberals and Conservatives, on the other. Until the Simon Commission reported, its hands were tied with regard to the proposal of measures of constitutional reform. As a minority government, it was in any case condemned to walk warily on an issue as dangerous as that of India. In this situation, Lord Irwin could do little more than watch the approaching storm of civil disobedience. The proposal for a round-table conference offered him his first opportunity to intervene with some hope of success. On October 31, 1929 he stated that the British government considered the natural issue of India's constitutional progress, as contemplated in the Declaration of 1917, to be the attainment of dominion status. The Nationalist leaders thereupon pressed him to declare that the purpose of the round-table conference would be to frame a scheme of dominion status for India. In reply, Lord Irwin pointed out that he could not dictate the decision of the conference beforehand, that it must be left open for all points of view, and that, in any case, he did not possess the authority to pledge the action of the British Parliament. The Nationalists were now convinced that the proposed conference was a sham, and immediately set about the full development of the civil-disobedience program.

THE STRUCTURE OF INDIAN SOCIETY AND GOVERNMENT

The variety that is such an arresting feature of Indian society results chiefly from the immensity of India's area and the diversity of its population. India is, in reality, a sub-continent, with an area as large as the whole of continental Europe excluding Russia.³ The political map of India is made doubly confusing by its patchwork division into British India and the Indian States. British India, about two-thirds of the whole, comprises the area of British rule proper, with its nine major provinces. Scattered irregularly among the provinces of British India are the Indian States, which are semi-

independent powers, with Indian rulers, under the paramountcy of the British Crown. Their position is guaranteed by treaties or agreements with the Crown, entered into at various times in the course of British progress toward hegemony in India. For purposes of internal rule, they are virtually autonomous, but their external relations are turned over to Great Britain.⁴ The number of these Indian States is usually reckoned at nearly six hundred; the great majority of them, however, are petty principalities or mere nobles' estates. The genuinely important Indian States do not number more

3. In comparison with the United States, India is roughly 60 per cent as large in area. Its 1,805,332 square miles compares with 3,026,789 square miles for the United States.

4. Cf. Col. Sir Thomas H. Holdich, *India*, London, Henry Frowde, 1904, p. 241-242; also *Simon Report*, Vol. I, p. 87.

than thirty. Since 1921 there has been a Chamber of Princes, representing the various Indian States, which has met periodically at Delhi to consider common problems.

The complexity of Indian society is most clearly revealed by an analysis of the diverse elements of race, language and creed that constitute its structure. The population of India numbers roughly 320 millions. Of these, the last available census, taken in March 1929, enumerated 247 millions in British India and nearly 72 millions in the Indian States. If religion be taken as the basis of division, there are in India approximately 220 million Hindus⁵ and 70 million Mohammedans, besides the adherents of many other creeds. Hinduism with its four main castes, divided as they are into numerous sub-castes, adds further to the complexity of Indian society. The dominant racial stock is Aryan, in consequence of early and long-continued invasions from the north. Intermingled with the descendants of the Aryan invaders, there remain large numbers who are believed to represent pre-Aryan inhabitants as well as considerable infiltrations from other sources. A wide variety of languages naturally exists among races of such diverse origin. The census of 1921 enumerated 222 Indian vernaculars. The great majority of Indians, however, express themselves in a half-dozen important languages, the chief of which are Hindi and Bengali, both Aryan languages. Hindi overlaps many linguistic areas with a hundred million adherents, while Bengali is spoken by forty-five million. Tamil and Telugu, the principal Dravidian, or pre-Aryan, tongues, are spoken by about thirty-six million. Approximately two and a half million Indians are also fluent in English. In 1921 about 91 per cent of the total population was illiterate.

Superimposed upon the diversity of Indian life and society are certain unifying forces. India itself is a geographical unit with clearly defined boundaries—high mountains to the north, and the sea on all other sides. In Hinduism India possesses a common intellectual heritage which has molded men's lives and thoughts for generation after generation, and today permeates India's

5. In this total are included approximately forty-three million "untouchables" and twenty million aborigines.

whole social life to the minutest detail. Despite periodic riots between Hindus and Moslems, the influence of Hinduism on Islam has been profound. A considerable number of Indian Mohammedans are converted Hindus, who have retained many of their old customs and habits, and given a Hindu aspect to their Moslem faith. The Mohammedans are also Indian linguistically, speaking chiefly the Urdu dialect, a Moslem form of Hindi written with Arabic characters.⁶ The Moslem rulers, despite occasional bloody crusades for Islam, gave India an enhanced feeling of national unity, although political nationalism has until lately never been characteristic of India. Recently, however, through its tutelage in Western political institutions and the reaction against an alien rule, India has acquired a new sense of political unity. The influence of a unified British administration, of improved methods of communication, and of the common use of the English language as a *lingua franca* by educated Indians have all been contributory to this end. Of even greater effect, however, has been the "growth of a passionate determination among the politically minded classes of all Indian races and religions to assert and uphold the claim of India as a whole to its due place in the world."

The political and administrative forms of government in India today are exceedingly varied and intricate. The Indian States are chiefly hereditary monarchies and usually despotic, although some of the Indian rulers have convened assemblies with consultative powers. British Residents, or Agents, are stationed at the courts of the chief Indian States, with the duties of offering advice to the ruler, and of reporting to the British authorities. The Crown has the right to intervene in the internal affairs of the States in cases of gross mismanagement; and British cantonments for the Indian Army are located in several States.⁸

The situation in British India is far more complicated. Here the system of government combines autocratic with democratic

6. Under the Moslem Moguls (1526-1857) Urdu was the *lingua franca* of India. Through it a large number of Persian and Arabic words was introduced into the dominant common dialect, popularly known as Hindustani. (Cf. J. D. Anderson, *The Peoples of India*, Cambridge University Press, 1913, p. 77.)

7. *Simon Report*, London, H. M. Stationery Office, Cmd. 3568, Vol. I, p. 11.

8. Cf. *ibid.*, Vol. I, p. 83-91.

elements. The essential powers are retained in British hands, with certain functions transferred to Indians who are chiefly elected but partly appointed. The nine major provinces⁹ of British India are each ruled by a Governor and Council, half of whose members are British and half Indian,^{9a} assisted by Indian Legislatures, the majority of whose members is elected on a limited franchise, and the remainder appointed by the Governor. The central government at Delhi is on the same pattern, with a Governor-General and Council (chiefly British),^{9b} assisted by an Indian Legislature. The political system is held together by what has been termed the "steel frame" of the Indian Civil Service, from which the chief administrative officials of British India are drawn. On January 1, 1929 the Indian

Civil Service contained 1,261 members, 894 of whom were English, while 367 were Indians. There are, in addition, numerous auxiliary services—police, forest, engineering, medical, educational, agricultural and others. The upper ranks of the civil administration are manned chiefly by Englishmen, although the lower ranks are overwhelmingly Indian. The superior services contain approximately 3,500 Europeans and 1,700 Indians. From the highest to the lowest grade, the Anglo-Indian administrative bureaucracy includes some 12,000 Europeans and some 1,500,000 Indians.¹⁰ The whole structure rests on the Indian Army, consisting of 3,255 British and 110 Indian officers holding the King's Commission on October 1, 1930, and of approximately 60,000 British and 150,000 Indian troops.

THE CONSTITUTIONAL DEVELOPMENT OF BRITISH INDIA

Some three hundred years ago the East India Company, chartered by Queen Elizabeth on the last day of the sixteenth century, established its first commercial settlements in India. For many years these small trading centres of the East India Company carried on their enterprises under the protection of the ruling Mogul Emperors. Gradually, however, the three fortified settlements of Madras, Bombay and Calcutta grew in authority. By 1700 they had become virtually independent, and were vested by the Directors of the Company, under authority of their charter, with extensive rights of civil and military jurisdiction.

The last great Mogul ruler died in 1707, and thereafter the Mogul Empire rapidly disintegrated, although it held nominal power for another century and a half. In Bengal, the richest province of India, a three-cornered struggle ensued among the Indians, the French and the British. Clive's decisive victory over the French at the battle of Plassey in June 1757 established virtual English mastery over the Bengal territories. The Company, however, hesitated to assume direct governmental control, and did not finally assert territorial sovereignty until 1772, when Warren Hastings was appointed

Governor of Bengal, with instructions to establish a new administration in place of the native agency hitherto employed.

The so-called Regulating Act, passed by Parliament in 1773, gave statutory sanction to the assumption of its new powers by the Company. It provided for the government of the new territories by a Governor-General (then Warren Hastings) and an Executive Council of four members, thus laying the foundation for the essential features of the existing constitutional structure of British India.

ESSENTIALS OF THE PRE-REFORM CONSTITUTION

The long period of constitutional development in British India from 1773 to 1919, when the Montagu-Chelmsford Reforms were formulated, ultimately resulted in a political system characterized by three main features: (1) concentration of authority at the centre;¹¹ (2) control over legislation by the Executive;¹² and (3) ultimate responsibility of the British Parliament for the whole of Indian government.¹³

The concentration of authority can be traced to the renewal of the charter of the East India Company in 1833. Up to then the Governor-General and the Council of Bengal exercised only a limited control over

9. There are, in addition, six minor provinces in British India, directly under the control of the central government, of which the North-West Frontier Province is the most important.

9a. *Ibid.*, Vol. I, p. 151.

9b. In practice, the Council includes four British and three Indian members. (*Ibid.*, Vol. I, p. 173-174.)

10. Cf. *Simon Report*, cited, Vol. I, p. 46.

11. I.e., in the hands of the British Governor-General and his (chiefly British) Councillors.

12. I.e., by the Governor-General in Council (at the centre), or by the Governor in Council (in the provinces).

13. Cf. *Simon Report*, cited, Vol. I, p. 111-19 for the materials of this section.

the two more ancient but subordinate presidencies of Madras and Bombay. By the charter act of 1833, however, the Governor-General of Bengal became the Governor-General of India; his government was known, for the first time, as the Government of India, and its authority became co-extensive with the area of British possessions in India. The total membership of the Governor-General's Executive Council¹⁴ was by subsequent stages raised to seven, but these changes did not alter the main fact that down to 1921 the Governor-General in Council was, inside British India, the supreme authority; in his hands was concentrated responsibility for every act of civil as well as military government throughout the whole area.

The provincial governments, consisting of a Governor or Lieutenant-Governor and his Executive Councillors, were virtual agents of the government of India. The burden of administering a sub-continent could not of course be carried by the Governor-General and a few Councillors, and in actual practice the Governor-General's administrative control had gradually been lessened by wide delegation of powers and by customary abstentions from interference with the agents of administration. The principle of central control was still operative, however, and effectively blocked any substantial devolution of power to the provincial governments. Central administrative control was also effective in matters of finance, for although quasi-permanent financial settlements between the central and provincial governments had evolved, provincial expenditure, taxation and borrowing remained subject to central control. Finally, it was the practice to control all legislative action in provincial councils by means of "instructions" from the central government. Thus, whether from the administrative, financial or legislative point of view, concentration of authority at the centre was a cardinal feature of the pre-reform constitution.

A second characteristic of the pre-reform constitution was the extent to which law-

making was in the hands of those who had the responsibility of administration. Under this system, legislative power was not recognized as residing in a legislature distinct from the ruling authority; when new laws had to be made, they were enacted by a body the nucleus of which was the Executive Council itself, but to which "additional members" were summoned for the purpose of discussing and passing the proposed enactment. The Governor-General, or in the case of a province, the Governor, presided over legislative discussions no less than over executive consultations. The evolution of these legislative councils—that is, the changes in the number, character, method of choice, and function of the "additional members"—can only be sketched here in summary form.

The first significant addition to the Governor-General's Executive Council for purposes of legislation was made in 1853. The act of that year provided that when dealing with law-making, the Executive Council should be enlarged into a Legislative Council by bringing in six "additional" members. They were all officials and all British. In 1861 the number of the Legislative Council's additional members was increased to twelve. Half of these were non-officials, including some Indians. All were appointed by the Governor-General. This act also created legislative councils of a similar type in the provinces. The next stage was reached in 1892. The Indian Councils Act of that year increased the "additional" members of the central legislative body, which became known as the Indian Legislative Council, to seventeen. Six of these were appointed officials, six were appointed non-officials, and five were "recommended" for appointment—one each by the non-official members of the four provincial legislative councils, and one by the Calcutta Chamber of Commerce—a species of indirect election. The functions of the Council were enlarged by permitting discussion of, though not voting upon, the budget, and the addressing of interpellations to the members of the Executive Council. Corresponding changes were made in the size, composition and functions of the provincial legislative councils; here the majority of the non-official seats were filled by recommendation, and the recommending

14. The Governor-General's supremacy over the Executive Council was ensured in 1786, when he was given the constitutional right to over-rule his Council in matters which in his judgment vitally affected the safety or tranquillity of British possessions in India—a provision which in a slightly amended form is still preserved in Section 41 (2) of the Government of India act. (*Ibid.*, p. 112.)

bodies were for the most part municipalities and district boards—an approach toward an elective basis. It should be noted, however, that an official majority still persisted in all the councils, and there was as yet no semblance of a genuine parliamentary system.

The evolution of the legislative councils, previous to the changes made in 1919, was completed by the Morley-Minto Reforms of 1909. By these reforms, the official majority in the provincial legislative councils was abandoned, and the size of the councils was increased to a maximum of fifty "additional" members in the larger provinces and thirty in the smaller. The greater part of these "additional" members were non-officials who were elected by groups of local authorities, large landholders, trade associations or universities. The Mohammedan community was, for the first time, specially represented on the majority of the provincial councils by two to five members, chosen by the vote of a separate Moslem electorate. The Morley-Minto scheme also reconstructed and enlarged the Indian Legislative Council. The distribution of seats, however, was such as to secure an official majority, so that the control of the Governor-General over legislative functions was kept secure. Besides the Governor-General and the seven members of his Executive Council, the Legislative Council now contained some sixty "additional" members, of whom not more than twenty-eight were officials, while twenty-seven were non-officials elected by direct or indirect methods. Of these latter, thirteen members were elected by the non-official members of the various provincial legislative councils, and two by the Chambers of Commerce of Calcutta and Bombay, while the larger land-owners in six provinces elected one member each, and six Mohammedans were returned by the vote of members of their own community. The Morley-Minto councils were given increased opportunities of influencing policy by moving resolutions and asking supplementary questions, and these powers were extensively used. At the centre, however, the argument of numbers remained with the official supporters of the Governor-General in Council.¹⁵

15. It should also be borne in mind that since 1861 the Governor-General, in cases of emergency, possessed the power to make ordinances having the force of law for a period not

The third characteristic feature of the pre-reform constitution was that of the ultimate responsibility of the British Parliament for the whole of Indian government. The Regulating Act of 1773 established the principle that all changes in the structure of the government in India must be made by an act of Parliament. Until 1858 this authority was exercised through the agency of the East India Company, whose charter Parliament had revised every twenty years from 1773. The jurisdiction of a Parliamentary Board of Control, established in 1784, conflicted from that time on with that of the Court of Directors of the East India Company.¹⁶ This situation was remedied by the complete transfer of the government of India to the Crown under the act of 1858, when a Secretary of State was made solely responsible to Parliament for the government of India, and given power to superintend, direct and control it.¹⁷ At the time of the reforms in 1919, the Secretary of State was assisted by a Council of India, composed of from ten to fourteen members.¹⁸

THE MONTAGU-CHELMSFORD REFORMS

The declaration of August 20, 1917, made before the House of Commons by Mr. E. S. Montagu, Secretary of State for India, was noteworthy as the first authoritative statement of the goal of British policy in India.¹⁹ The aim set was that of "the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire." This end, however, was to be achieved "by successive stages." Britain was to determine the "time and measure of each advance," guided by "the cooperation received from those upon whom new opportunities of service will thus be conferred."

exceeding six months—a right still maintained in Section 72 of the Government of India act. (*Ibid.*, p. 115.) This power has been resorted to in the present crisis; the ninth special ordinance for dealing with the civil disobedience movement was promulgated by Lord Irwin on October 10, 1930.

16. Cf. E. A. Horne, *The Political System of British India*, London, Oxford University Press, 1922, p. 62-63.

17. Cf. K. T. Shah, *Governance of India*, Bombay, Ramchandra Govind & Son, 1917, p. 4.

18. The reforms made some slight changes in the membership of the Council, and the Simon Commission's proposals would somewhat relax the Secretary of State's control over provincial administration, but the ultimate sovereignty over India is still technically vested in the British Parliament.

19. Cf. Horne, *The Political System of British India*, cited, p. 27.

In accordance with this announcement, Mr. Montagu visited India during the autumn and winter of 1917-1918, and together with the Viceroy, Lord Chelmsford, made a first-hand survey of Indian problems. The result was embodied in the Montagu-Chelmsford Report, dated from Simla, April 22, 1918, and published in July. The intricate practical problems involved in applying its recommendations were worked out during 1918-1919, and on May 29, 1919 a bill embodying the proposed scheme of reforms was introduced in the House of Commons by Mr. Montagu. It was referred, early in July, to a Joint Committee of both Houses of Parliament, presided over by Lord Selborne, which presented a report modifying the proposed reforms. The Government of India bill, implementing the Montagu-Chelmsford Reforms in the light of the recommendations of the Selborne Committee, passed through both Houses of Parliament, and received the Royal Assent on December 23, 1919. The greater part of 1920 was occupied with the framing of essential rules under this act, and with the preparation of electoral rolls. The first elections under the new scheme were held in November 1920, and the reformed system of government came into operation in January 1921.

The Government of India Act of 1919 and the rules framed under it instituted a statutory separation of the functions of the central and provincial governments, and of their finances. The long-standing policy of concentrating the whole of administrative and financial authority in the hands of the central government was thus in large degree reversed. To this end, a classification of subjects into central and provincial was made.²⁰ The provincial subjects were further subdivided into "reserved" and "transferred," thus inaugurating the system of dyarchy, or dual control, in the provinces.

20. The chief subjects reserved for central administration included: defense, external relations, relations with the Indian States, communications, shipping and navigation, currency and coinage, public debt, customs, cotton excise duties, income tax, salt, cultivation and manufacture of opium, and sale of opium for export, and all matters not specifically declared to be provincial subjects.

The chief provincial subjects included land revenue, law and order, justice, education, medical and health services, local self-government, roads, water supplies and public works. (Cf. *Simon Report*, cited, Vol. I, p. 126-131.)

A correlative division of Indian revenues was also carried out, thus: Central: customs, income tax, railways, posts and telegraphs, salt, export opium. Provincial: land revenue, excise (liquor and drugs), irrigation works, forests, stamps, registration fees. (Cf. Horne, *The Political System of British India*, cited, p. 96.)

The reserved subjects continued to be administered by the provincial Governor in Council, while the transferred subjects were administered by the Governor, in cooperation with Indian Ministers chosen by him from the elected members of the legislature.²¹

The reforms of 1919 were originally applied to the eight major provinces of British India; later to nine, when Burma was created a Governor's province in 1923. In each of these provinces, the new act set up a unicameral Legislative Council, 70 per cent of whose members (in Burma 60 per cent) were elected, and the rest appointed by the Governor. The provincial franchise was conferred on about one-tenth of the adult male population. The normal qualification for the vote is residence within the constituency and payment of a small amount of land revenue, rent or local taxes. Separate communal electorates were set up in various instances for Mohammedans, Sikhs, non-Brahmans, Indian Christians, Anglo-Indians and Europeans. Thus constituted, the legislative councils since 1921 have exercised the general power of legislating for the provinces, subject to certain definite restrictions.²² The assent not only of the Governor, but also of the Governor-General, is required before any provincial measure can become law. Either can veto a measure; and their veto is absolute. The Governor must reserve certain measures²³ for the opinion of the Governor-General; he may reserve certain others²⁴ at his discretion. In cases of emergency, the Governor may also "certify" a bill dealing with a reserved subject over the opposition of the legislative council.²⁵ In particular, through the use of the certificate procedure, the Governor can obtain independently of the legislative council the appropriations which he needs.²⁶ Even in the case of a transferred subject, the Governor has the

21. Cf. Garratt, *An Indian Commentary*, London, Jonathan Cape, 1928, p. 160.

22. Cf. Horne, *The Political System of British India*, cited, p. 97-106.

23. Measures which (1) seriously modify the land revenue system; (2) affect the religion of any class of the community; (3) concern the establishment of a university or the construction of a light railway. (Cf. *ibid.*, p. 116.)

24. Measures which affect (1) the interests of some other province; (2) some central subject; (3) any matter wherewith the Governor is specifically charged under his Instrument of Instructions. (*Ibid.*)

25. The only instance in which a Governor used this power was in the certification of the Bengal Criminal Law Amendment act. (*Simon Report*, cited, Vol. I, p. 217.)

26. This power has been frequently exercised, with the notable exception of Bombay, where the government has always found it possible to accept the reductions made by the legislative council. (*Ibid.*)

right to over-rule his Ministers. He is also at liberty to dissolve a refractory provincial council. Thus, although a number of transferred departments²⁷ are headed by Indian Ministers, the Governor still exercises a large measure of control over provincial administration.

The central Indian Legislature was reconstituted by the reforms into a bicameral body, consisting of the Council of State and the Legislative Assembly. The maximum number of members of the Council of State was fixed at sixty. Of these, thirty-four were to be elected; the balance was to be appointed, but not more than twenty could be official members. The electoral qualifications for this upper house are pitched extremely high, and the franchise is greatly restricted, while the electors are for the most part grouped in communal constituencies. The Legislative Assembly must contain a minimum number of 140 members. In 1929 it consisted of 145 members, 105 of whom were elected, while twenty-six were appointed officials and fourteen were appointed non-officials. The elected members of the Legislative Assembly are distributed among the various provinces, and returned on a franchise with electoral qualifications similar to, but somewhat higher than, those for the provincial councils. The seven members of the Governor-General's Executive Council have seats in either the upper or lower house, and may speak in both. The general legislative power of the Indian Legislature is subjected to a number of restrictions. The previous sanction of the Governor-General is required for the introduction of any measure affecting the public debt, religious customs, defense, foreign relations, or the subjects allocated to the provinces.²⁸ The financial powers of the Indian Legislature do not extend to the "non-votable" expenditures,²⁹ which are authorized by the Governor-General

in Council. The finance bill, which is the annual statutory authority for most of the central taxation, is laid before both houses in the form of demanded grants; the Assembly may withhold supply, but the Governor-General in Council possesses the right to "restore" a rejected demand.³⁰ The Governor-General also has the power of veto, of certifying measures deemed essential, and of dissolving the Legislature.

The character of the Indian legislative bodies, whether in the provinces or at the centre, has therefore been greatly altered by the reforms enacted in 1919, and made operative in 1921. This is especially true in regard to the predominant weight given to the popular as opposed to the official membership, and the provisions made for direct election. But while the popular nature and the powers of the Legislature have been considerably extended, the constitutional basis of the central Executive remains unchanged. It is not constitutionally responsible to the Legislature, and therefore it cannot be removed by that body, nor can the Legislature alter the policy of the Executive.³¹

THE WORKING OF THE REFORMS

The reformed system of government has operated in the major provinces since 1921. Its working was rendered difficult from the beginning by the non-cooperation movement then initiated by Mahatma Gandhi and the Indian Nationalists. Hence the new legislative bodies were largely filled by Indian moderates, who agreed under protest to work the reforms for what they were worth. When the Nationalists did enter the legislatures after 1923 it was chiefly to wreck the reforms from within. They succeeded in blocking the working of the reformed constitution for some years in the Central Provinces, and periodically in Bengal, although it functioned regularly in the other seven provinces and at the centre.³²

Even where, in some cases, the reforms were given a fair and thorough trial, a number of inherent defects seriously hindered the success of the new scheme. The trans-

27. Transferred subjects chiefly include: excise duties on liquor and drugs, local self-government, education, sanitation and public health, public works, industries and agriculture.

Reserved subjects chiefly include: land laws and revenue, famine relief, irrigation, forests, justice, police and prisons, and factory and labor matters. (Cf. Horne, *The Political System of British India*, cited, p. 93.)

28. Cf. *Simon Report*, cited, Vol. I, p. 169.

29. The non-votable expenditures include: (1) those classified by order of the Governor-General in Council as (a) ecclesiastical, (b) political, and (c) defense; (2) payment of interest and sinking-fund charges on loans; and (3) payment of the salaries and pensions of persons appointed by or with the approval of His Majesty, or by the Secretary of State for India in Council. (Cf. Horne, *The Political System of British India*, cited, p. 117.)

30. This power has been exercised four times since the reforms were put into force. (*Simon Report*, cited, Vol. I, p. 171.)

31. Cf. Horne, *The Political System of British India*, cited, p. 121.

32. Cf. *Simon Report*, cited, Vol. I, p. 211.

ference of subjects under the system of dyarchy seemed, in some instances, not to have been carried out along logical lines. Agriculture was transferred, but not irrigation, on which much of Indian agriculture depends. The Indian Ministers in charge of spending departments, such as education or agriculture, had little power over the purse-strings. A Minister of Education, for example, would work hard to draw up a plan for encouraging primary education, which might then be shelved for lack of funds by a Finance Department over which he exerted little or no control. The liquor and drug revenue, it is true, was transferred, but in many cases this left the Indian Minister, who had probably long been an advocate of prohibition, in an invidious position. If he wiped out this source of revenue, he had to starve education or agriculture, since the chief expanding sources of revenue—income tax and customs—were reserved for the central government.³³

Dyarchy has also failed to provide the basis for a sound training in responsible parliamentary government.³⁴ In general, under the new system the Indian Ministers have possessed responsibility without effective power, and the provincial legislatures power without proper responsibility. Theoretically, the Ministers were jointly responsible for transferred subjects to elective majorities in the provincial councils. Actually, however, owing to a number of causes, joint Ministerial responsibility for the transferred departments was regularly established only in the province of Madras. For one thing, the council members felt in most cases that the Minister had deserted their cause for that of the government, since although the Governor appointed the Indian Ministers from the elected members of the council, he himself was not responsible to the legislature. Its members were therefore frequently more willing to criticize and obstruct than to cooperate, as they felt no responsibility toward a Cabinet not of their creation. The irresponsibility of this opposition was heightened by the knowledge that

if things went badly, the Governor would step in with his reserved powers to set them right again. The Minister was thus debarred from developing a group of legislative supporters with whom he would be jointly responsible for mistakes committed, with all the sobering effects that this entails. As a result of these various factors, the Minister was usually forced to rely on the support of the official *bloc* to secure the passage of his measures; this completed his alienation from the elected council members. Communal divisions in the councils also prevented the formation of political parties along lines of policy or principle, which again retarded the development of sound parliamentary government.

A further handicap to the successful working of the reforms was the proviso that a statutory commission should be appointed to reconsider the scheme after ten years. Although this provision induced the moderates to give the reformed constitution a trial, it stamped the act of 1919 as temporary and provisional in character, and stimulated the movement in India for its abolition. After 1922 the demand for further constitutional advance was voiced again and again in the Legislative Assembly. In 1924 the MacDonald government appointed a committee of inquiry, known as the Muddiman Committee, whose majority report confirmed the necessity for dyarchy, but whose minority report claimed that dyarchy had broken down, that transitional measures were inappropriate, and that steps should be taken to establish a permanent constitution.³⁵ No important change was made following the submission of these reports.

THE APPOINTMENT OF THE SIMON COMMISSION

On November 25, 1927, however, the appointment of the Indian Statutory Commission, headed by Sir John Simon, was approved by the House of Commons. The Simon Commission visited India in the early months of 1928, and again in 1929. It was boycotted by a large section of the Indian public, and even by the Legislative Assembly, which objected to a procedure, laid down unilaterally by the British Parliament,

33. Cf. *Report of the Indian Central Committee, 1928-1929*, London, H. M. Stationery Office, 1929, p. 54.

34. Cf. *Simon Report*, cited, Vol. I, p. 209-215; *Report of the Indian Central Committee*, cited, p. 10-14; *Views of Local Governments on the working of the Reforms*, dated 1924, London, H. M. Stationery Office, 1925, Cmd. 2362.

35. *Report of the Reforms Enquiry Committee, 1924*, Cmd. 2360; *Simon Report*, Vol. II, p. 27.

that excluded Indian representation. The Commission, however, was assisted by a Central Indian Committee, chosen by the Governor-General with the aid of the Council of State, and by committees secured by the Governors from most of the provincial councils.³⁶ The report of the Indian Central Committee was presented to Parliament in December 1929. The Simon Commission concluded its work in April 1929, and published its findings in two volumes on June 10 and 24, 1930.

THE RECOMMENDATIONS OF THE SIMON COMMISSION

In large outline, the report of the Simon Commission provides for India's progress toward self-government as a federation of autonomous provinces, subject to the maintenance of large reserved powers and of control over the army by Britain. According to the Simon plan, eight of the nine provinces of British India would send representatives to a bicameral Central Legislature at Delhi. Burma, the ninth province, would be separated from India at once, and be given a Constitution of its own. There would also be set up a Council of Greater India, composed of representatives of the Indian States and British India, which would have consultative and deliberative functions in regard to a scheduled list of matters of common concern. The report also recommends that a Boundaries Commission be set up for readjustment of provincial ethnic and linguistic areas.

In the provinces, the Simon Report recommends that the councils be enlarged to include from 200 to 250 members, elected under a franchise designed to treble the present electorate. Communal electorates are to be retained for the protection of important minorities. Dyarchy is to be abolished, and the whole of provincial admin-

istration conducted by a unitary cabinet with joint responsibility for action and policy. Provincial administrative autonomy is somewhat limited by the recommendation that the provincial governments be required to employ members of the Indian Civil Service and of the Indian Police Service, which are recruited by the Secretary of State on an all-India basis, in such numbers and in such appointments as he thinks necessary. Cabinet Ministers are to be chosen from elected members of the provincial council, or from outside, by the Governor. Enlarged financial resources are to be provided for the provinces through the creation of a central fund, maintained by indirect taxes levied by the central government at the suggestion of provincial Finance Ministers periodically meeting with the central Finance Member. The Governor will retain his existing powers over legislation, and is to be given statutory power to over-rule the provincial council on such questions as the preservation of order and the protection of minorities, as well as the right to restore rejected grants or certify legislation deemed essential.

At the centre there is to be a Central Legislature, composed of the present Council of State and of a Federal Assembly. The latter body will be enlarged to include from 250 to 280 members. The members of both houses of the Central Legislature are to be elected indirectly by the provincial councils through the method of proportional representation. The Federal Assembly will have the special function of voting certain indirect taxes, collected by a central agency, the net proceeds of which will be distributed among the various provincial governments represented at the centre. The central executive will continue to be the Governor-General in Council, which is not made responsible to the Central Legislature. The Governor-General in Council will retain the power of initiating measures of taxation for central purposes, which require the approval of the Central Legislature. The Governor-General will also retain the right to restore rejected grants and to certify rejected measures.

The Simon Commission has also made significant recommendations in regard to the Security Services—the Indian Civil Service

36. These committees were composed wholly of Indian moderates. In regard to the efficacy of the boycott of the Simon Commission, the report of the Indian Central Committee states (p. 8-9): "While it is true to state that a voluminous mass of memoranda was presented to us and a large number of witnesses came forward to give evidence before the Joint Free Conference, we were conscious throughout our tour in India that a large and influential section of Indian opinion was deliberately boycotting the Commission. . . . It is equally true to remark that we were sufficiently well acquainted with the ideas of that section of Indian opinion which refrained from co-operating with the Commission. This, however, was not the case with our English colleagues. They can have had few opportunities of acquainting themselves directly with the sentiments of this important group. In their case the effect of the boycott cannot have been other than to leave them with an incomplete picture of the feelings and sentiments of the Indian people."

and the Indian Police Service—and in regard to defense. In both cases, the Commission finds that a large British element is requisite for a considerable time to come. It recommends that the rate of Indianization of the Security Services should correspond with the proposals of the Lee Commission,³⁷ which would establish a personnel half British and half Indian in the Indian Civil Service by 1939, and in the Indian Police Service by 1949.³⁸ The Commission finds that for a very long time to come it will be impossible for the army to dispense with a considerable British element, including British

troops of all arms, a considerable proportion of the regimental officers of the Indian Army, and the British personnel in the higher command. It also finds that it will be impossible to relinquish control over an army containing this element to Ministers responsible to an Indian Legislature. The Commission therefore proposes that the control of the defense forces be placed in Imperial hands, separate from the Government of India, which, however, would agree to continue the supply of an annual non-votable sum for the support of such forces as may be stationed in India.

THE GROWTH OF THE NATIONALIST MOVEMENT

The beginning of the Indian Nationalist movement in its present form is usually dated from the first All-India National Congress, which met in 1885. Opposition to British rule, however, long antedated 1885. It burst into flame during the Indian Mutiny of 1857,³⁹ and then subsided as a result of the wholesale punitive measures that followed the uprising. The modern nationalist movement that came into prominence after 1885 had two branches. Its violent phase originated during nationalist agitations in the Deccan toward the close of the century, and was later transferred to Bengal. The Partition of Bengal in 1905 gave rise to numerous attempts to assassinate British and Indian officials in the governing bureaucracy—sometimes successful, more often not—which have continued to the present day. Side by side with this nationalism of violence and intimidation has developed a reformist nationalism of peaceful argument and constitutional agitation. The Indian National Congress, which has typified this aspect of the nationalist movement, was very mildly liberal during the years immediately following its formation. Its views rapidly became more radical, however, and from the first it proved a valuable instrument for training provincial leaders to think in all-India terms. The leaders of this branch of the nationalist movement have often been reformist, condemning in no uncertain terms the harsher aspects of indigenous Indian life, especially

those bearing on caste distinctions and the hard lot of women. By the time the war arrived, this movement was demanding home rule for India, with its corollary of dominion status within the Empire. The period following the war is noteworthy for the emergence of Mahatma Gandhi as an all-India leader, and the development of the new revolutionary technique of mass disobedience on a large scale. This phase of nationalism has now taken the centre of the stage, using the Indian National Congress as its instrument of organization, and resolved on a program of non-violent revolution until the goal of responsible government is achieved.

THE EARLY YEARS OF NATIONALISM

The disillusionment of many educated Indians in Western civilization that followed the period of the Mutiny found expression in a religious revival among this class in the seventies.⁴⁰ The sacred books of Hinduism were resurrected from the neglect induced by a predominantly secular education in Western learning, and the old religious systems were vigorously expounded and defended. The movement exerted a great influence upon the educated classes, and was speedily linked up with politics.⁴¹ The re-

37. The Royal Commission on the Superior Civil Services in India, which reported in 1924.

38. On January 1, 1929 there were 694 European and 367 Indian officers in the Indian Civil Service, and 564 European and 128 Indian officers in the Indian Police Service. (Cf. *Simon Report*, cited, Vol. I, p. 270.)

39. The Mutiny, however, left "a legacy of racial hatred" that "acted as a blight on the growth of the spirit of mutual understanding and cooperation between Indians and Englishmen in India which two generations of broad-minded Englishmen and progressive Indians had sedulously and successfully cultivated." (Cf. Sir Valentine Chirol, *India Old and New*, London, Macmillan, 1921, p. 87.)

40. Cf. Hans Kohn, *A History of Nationalism in the East*, New York, Harcourt Brace, 1929, Chapter IV, for the earlier phases of this movement; also Haridas T. Muzumdar, *Gandhi the Apostle*, Chicago, Universal Publishing Company, 1923, p. 75-94.

41. The Indianization of the government administration, especially in regard to the higher offices, proceeded very slowly after the Mutiny, which stimulated the growth of a nationalist movement among the educated Indians.

ligious revival influenced all the outstanding political leaders of Indian nationalism, and placed its stamp upon the whole nationalist movement.

The first great national leader of recent times, Bal Gangadhar Tilak, entered public life about 1880, inaugurating the extremist phase of modern political nationalism. Until his arrest in 1897, as the result of an inflammatory agitation leading to the assassination of a British official, his activities were largely confined to the western region of the Deccan, in and about Bombay. The scene of this stormy side of the Nationalist movement shifted to Bengal during the first decade of the twentieth century. Measures adopted during Lord Curzon's viceroyalty (1899-1905) had antagonized a wide section of Indian opinion. This was especially true of the Partition of Bengal (1905), cutting sheer across lines of provincial and linguistic kinship. The Partition was the more exasperating to the Hindu majority in Bengal, since in the new province of East Bengal the Mohammedans were now in the majority, adding new fuel to the fires of Hindu-Moslem enmity. A revolutionary movement, definitely Hindu, and characterized by terrorism and violence, at once broke out in Bengal. Its leaders were friends and in some cases pupils of Tilak, and they utilized the methods he had found effective in the Deccan. The vernacular press proved a potent weapon of propaganda, and the new threat of economic boycott came into use. The larger educated class made the task of organizing the agitation easier than in the Deccan, and enhanced its effect. Riots followed the boycott of British goods, the assassination of both British and Indian officials became common, and a reign of terror held the Indian officials, especially, in its grip. The government responded in 1908 with various repressive measures, such as the Press Act and the Summary Justice Act. Tilak was again arrested and sentenced to six years' imprisonment. Thereafter the campaign slackened, especially with the annulment of the Partition in 1911.

These early nationalist agitations in the Deccan and in Bengal had several characteristics in common. They were confined to definite provincial areas, they were violently

extremist in nature, and they were stamped with the seal of Hindu orthodoxy.⁴⁶ It remained for the Indian National Congress, however, generally typifying a more moderate political nationalism, reformist in character, and striving to unite Hindus and Moslems in a common cause, to link up the local agitations into an all-India nationalist movement. The National Congress is an extra-governmental body which has met annually since 1885. Its members are chosen from all parts of India, and meet together each year in the closing days of December, now in one city and again in another, so that all sections of the country are brought within the orbit of a common national sentiment. Up to 1907 the Congress remained generally friendly to the government, although sometimes captured by the extremists. Slowly, however, it developed a group of Indian leaders trained to think in national terms. Following Tilak's arrest in 1908, and the suppression of the revolutionary movement in Bengal, the Congress came under the supremacy of the great moderate leader, G. K. Gokhale, a Hindu of the reformist type, who favored gradual constitutional progress within the existing régime. The founding of the Muslim League in 1907 by leaders who favored a continuance of British rule,⁴⁷ was a warning, and Gokhale sought to win back into the Congress its Mohammedan representation, which had been alienated by Tilak's activities. Until Gokhale's death in 1915, the Congress remained "predominantly Hindu, advanced but not extremist, critical of Government but not inclined to lead any popular, much less revolutionary, movement to change the constitution."⁴⁸

THE NATIONALIST MOVEMENT SINCE THE WAR

The Nationalist movement in India since the war has been centered about two great mass civil disobedience campaigns led by Mahatma Gandhi, on a scale hitherto unprecedented. Both have preceded projected constitutional reforms by the British. The first struggle, from 1919 to 1922, however, arose

46. Their importance was none the less very great. The extremists had given an immense impetus to the old Hindu religion, had taught the educated classes of India the elementary technique of agitation, and made nationalism into a living issue in every town and nearly every village in India. (Cf., Garratt, *An Indian Commentary*, p. 133.)

47. Cf. Hans Kohn, *A History of Nationalism in the East*, p. 335-336.

48. Cf. Garratt, *An Indian Commentary*, p. 139.

not so much from the inadequacy of the Montagu-Chelmsford Reforms, as from the Sedition Act and the Amritsar massacre, which led many educated Indians to regard as useless the sacrifices made by India on England's behalf during the war. The second struggle, which is now in full swing, has been in the making since 1927, when the appointment of the Simon Commission led Indians to believe that England was determined to retain strictly in its own hands control over any further measure of constitutional reform that might be granted.

The efforts put forth by India during the war raised hopes that the desire for responsible government, shared now by all branches of the nationalist movement, might be speedily satisfied. Indians of all types and classes, both in British India and in the Indian States, united in a common war service. Mahatma Gandhi himself engaged in an arduous recruiting campaign, resulting in an illness that nearly proved fatal.⁴⁹ India contributed in all 1,457,000 men, of whom 552,000 combatants and 391,000 non-combatants served overseas. India's normal pre-war expenditure on the Indian army, amounting to £20,000,000, was provided in full during the course of the war, as well as an extra military expenditure that totalled £40,000,000. In addition, the government of India in 1917 assumed responsibility for £100,000,000 of England's war debt. This large sum was raised in great part by means of war loans in India, and the interest and sinking fund charges, amounting to £6,000,000 annually, have been met out of Indian revenues.⁵⁰

It is difficult to appraise how much of India's war effort was voluntary and how much of it was forced. England unequivocally accepted it as voluntary, and towards the end of the war the Declaration of 1917, with its guarded promise of eventual self-government, was issued. The long-standing grievance regarding the lack of protection for Indian cotton goods as against Lancashire imports was partially removed by granting India a net protection of 4 per cent. India was also granted representation,

along with the self-governing dominions, at the Imperial War Conference of 1917. Had these steps been taken earlier in the war, many feel that they might have gone far to allay the unrest that was spreading over India. As it was, a series of events now followed, which have embittered British-Indian relations ever since.

On December 10, 1917 the Rowlatt Committee was appointed to investigate and devise measures for meeting the spread of revolutionary crime in Bengal and the Punjab. The Rowlatt Report, issued April 15, 1918, proposed the establishment in any area where emergency arose, of special courts, consisting of three judges without juries or assessors, to try seditious crime. The Rowlatt bills in draft form were opposed by an overwhelming majority of Indian public opinion. The bills were made law by the so-called Sedition Act, passed March 18, 1919 by the official *bloc*, although every non-official Indian member of the Legislative Council voted against it. The enactment of this law sent a flood of protest sweeping through India. The first orderly strikes and *hartals*⁵¹ were succeeded by frenzied disorders. Several murders of Europeans and of Indian officials were committed. Martial law was proclaimed in certain districts of the Punjab, a province which had raised 349,000 Indian combatants for service in the war. Here, at Amritsar, on April 13, 1919, a large crowd of unarmed Indians gathered in the Jallianwalabagh, a small enclosure almost entirely surrounded by high walls, many of whom were unaware of a declaration forbidding assemblies. This crowd was fired upon for ten minutes by a unit of the Indian Army commanded by General Dyer; 1,650 rounds were fired, resulting in 379 dead and approximately 1,200 wounded.⁵² The Hunter

51. A closing of all shops and places of business as a sign of mourning.

52. Cf. *Report of the Commission appointed by the Government of India to investigate the Disturbances in the Punjab*, London, His Majesty's Stationery Office, 1920, p. 23. The minority report quotes from Dyer's testimony the reasons offered for the firing, as follows: "He [Dyer] fired on this meeting, and killed about 400 people and wounded about 1,200; because, in his view, they were rebels and he was 'going to give them a lesson,' and 'punish them,' and 'make a wide impression,' and 'strike terror throughout the Punjab,' and 'he wanted to reduce the morale of the rebels.' That was why he began to fire without warning and without calling on them to disperse. He continued firing even when the people began to run away, and went on firing until his ammunition was almost exhausted." (*Ibid.*, p. 113.)

The Congress Inquiry report estimated the dead at 1,000. (Cf. *Report of the Commissioners Appointed by the Punjab Sub-Committee of the Indian National Congress*, Lahore, K. Santanam, 1920, Vol. I, p. 57.)

49. Cf. C. F. Andrews, *Mahatma Gandhi's Ideas*, New York, Macmillan, 1930, p. 240.

50. Cf. Horne, *The Political System of British India*, p. 33-4, for the figures here used.

Commission, after investigating the Punjab disorders, divided racially. The majority (British) report presented a qualified condemnation of General Dyer's action;⁵³ the minority (Indian) report was unqualified in its condemnation.⁵⁴ Upon the report of the Hunter Commission, General Dyer was compulsorily retired. The House of Lords, however, passed a resolution on July 20, 1920 to the following effect:

"That this House deplores the conduct of the case of General Dyer as unjust to that officer, and as establishing a precedent dangerous to the preservation of order in the face of rebellion."⁵⁵

Indian sentiment was exacerbated by this action of the House of Lords, and also by the gift to General Dyer of £26,000, raised for him by the European community both in India and among his sympathizers at home.

THE BEGINNING OF NON-COOPERATION

In December 1919 the National Congress met at Amritsar—no longer the moderate body of pre-war days. Mahatma Gandhi emerged from this Congress as the acknowledged leader of the Nationalist movement. The concept of "non-violent non-cooperation," as a designation for his refusal to cooperate with a régime that could result in such incidents as the Amritsar tragedy, was here born in the Mahatma's mind.⁵⁶ This concept was elaborated at a special Congress session in Calcutta, held in September 1920, and directed toward the achievement of home rule. The Mohammedans had by now accepted the new program, the more ardently since Gandhi vigorously supported the Moslem agitation against the treatment meted out to Turkey by the victorious Allies. The regular Congress, held in Nagpur at the end of December, endorsed the non-cooperation program, which was already being carried out on a national scale. At its height, the new movement proved the greatest threat to British rule that had yet developed in India.^{56a} The extent of Hindu-Moslem co-operation and of popular support was impressive. The resolute attitude of Gandhi gave an immense impetus to the cause of

social reform.⁵⁷ The earlier local agitations of the Nationalist movement were definitely provincial and sectarian in comparison with this national upheaval. Government repression became more pronounced as outbursts of violence crept into the movement, especially at Bombay in November 1921, and at Chauri-Chaura in February 1922. These latter convinced Gandhi that his followers were not yet sufficiently trained to undergo the suffering involved in his non-violent program, and after a severe inner struggle he called off the movement. His arrest followed shortly after, and he was sentenced to six years' imprisonment.

For five years following Gandhi's arrest a period of comparative peace descended upon India. The Congress party, which had at first boycotted the new legislative councils set up by the reforms, later sought election to these bodies as a means of disrupting their work. A group of moderate Indian leaders had founded the Liberal League in 1918, and now sought to cooperate with the British in working the reforms. Mahatma Gandhi, following his release in 1924, set himself the task of reuniting Hindus and Moslems, who had fallen apart, and toured the countryside with his constructive program of the spinning-wheel, the abolition of the drink and drug evil, and the removal of untouchability.

The appointment of the Simon Commission in November 1927, however, again set revolutionary forces in motion. At Lahore in December 1929 the All-India Congress went on record in favor of independence, and preparations were made for a second campaign of non-violent non-cooperation, which was inaugurated in March 1930. The progress of this movement has a direct bearing on the deliberation at London, where the unexpectedly strong stand taken by the Indian delegates is dictated, at least in part, by the conditions they will meet on their return. The results of the round-table conference, recent developments in India, and the obstacles to be surmounted in the achievement of self-government will be treated in a later report.

53. *Report of Commission . . . Disturbances in the Punjab*, cited, p. 29-31.

54. *Ibid.*, p. 111-117.

55. *Parliamentary Debates*, House of Lords, Volume XLI, columns 375-378.

56. Cf. C. F. Andrews, *Gandhi of India*, New York, Macmillan, 1930, p. 338.

56a. Lord Lloyd, then Governor of Bombay, recently stated that the movement "came within an inch of succeeding." (*Cf. Time*, March 31, 1930, p. 25-26.)

57. Cf. Andrews, *Mahatma Gandhi's Ideas*, p. 277.